8584533/2024/VIG-IV-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Prohibition & Excise Department – Sri K.Kondala Rao, Deputy Commissioner, Proh. & Excise Department (Retired) who involved in the liquor syndicate case of Vizianagaram district– Implemented the Hon'ble High Court orders dated:15.02.2018 in W.P.No 24074 of 2017 – Sanctioned Pensionary benefits – Implemented the orders dated: 25.07.2023 of Hon'ble High Court in WP.No.18546 of 2023 fled by Sri K.Kondala Rao Deputy Commissioner, Proh. & Excise Department (Retired) for payment of interest on delayed pensionary benefits – Orders – Issued.

REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.Rt.No.235 **Dated:23.02.2024**

Read the following:-

1) From the D.G, A.C.B., Hyd Lr. C.No 59/RCO-VV.Z/2012, dated 17.11.2012 (Cr.No.03/RCO-VZM/2012)
2) Govt. Memo No 52227/Vig.IV.(2)/2012-2, dated 16.01.2013.
3) G.O Rt. No. 793 Rev (Vig.IV) Dept., dated 31.05.2013.
4) G.O Rt. No. 1616 Rev (Vig,IV) Dept., dated 07.11.2013.
5) W.S.D. of Sri K. Kondala Rao, DC., P&E Department (Retired), dated 25.11.2014.
6) Orders of Honble APAT in OA No 662/2016 dated 01.03.2016.
7) G.O Rt. No 559 Rev (Vig.IV) Dept., dated 17.05.2016.
8) G.O.Rt.No.21 Rev (Vig.IV) Dept, dated 08.01.2016.
9) G.O.Rt.No.22 Rev (Vig.IV) Dept, dated 08.01.2016.
10) Honble High Court orders dated 15.02.2018 in W.P.No. 24074/ 2017.
11) G.O.Rt.No.440 Rev (Vig.IV) Dept, dated 09.04.2018.
12) Honble High Court Orders in C.C.No.2327/2018 in W.P.No.24074/ 2017, dated 07.09.2018.
13) Govt. Memo.No.52227/Vlg.IV.2/2012, dated 26.09.2018.
14) G.O.Rt.No.1433 Rev (Vig.IV) Dept, dated 12.10.2018.
15) Orders of Hon'ble High Court in W.P.No.18543 of 2023 dated 25.07.2023.
16) Representation dated: 04.09.2023 and 25.10.2023 from Sri K. Kondala Rao, Retd P&E Dy.Commr.
17) From CPE, AP, Vijayawada Lr.Cr.No.1582/2013/CPE/H4, dated:03.01.2024.

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O R D E R:

Whereas Sri K.Kondala Rao, Deputy Commissioner of Proh. & Excise (Retired) was involved in the Liquor Syndicate case of Vizianagaram district along with other Prohibition and Excise officials, when he was in service. The DG, ACB in his final report (Cr.No.03/RCO-VZM/2012) dated 17.11.2012 has recommended to entrust his case to COI along with other P&E officials. After following due procedure, Government have entrusted the case to COI. Subsequently, he was retired from the service on 28.02.2017.

(PTO)

2. And whereas, in the reference 3rd read above Government have issued Articles of Charges against Sri K.Kondala Rao, Deputy Commissioner of Proh. & Excise (Retired). The charged officer has submitted his written statement of defence and denied the charges with a request to drop further action on disciplinary proceedings.

3. Whereas Sri K.Kondala Rao, Deputy Commissioner, Prohibition & Excise department (Retired) has fled O.A.No.662/2016 in APAT for pensionary benefits. The Government have implemented the orders of Hon'ble APAT in O.A.No.662/2016 dated 01.03.2016 and released leave encashment to Sri K.Kondala Rao, Deputy Commissioner, Prohibition & Excise department (Retired).

4. And whereas Sri K.Kondal Rao has filed W.P.No.24074 of 2017 before the Hon'ble High Court for declaring the issue of charge memo and not releasing pensionery benefits and other benefits.

5. In the reference 10th read above, the Hon'ble High Court in its orders dated: 15.02.2018 in W.P.No.24074/2017 has ordered the following:

> "we hereby direct the respondents to complete the enquiry within a period of six (6) months from today. It is needless to say that the respondents shall comply with the direction given by the learned Tribunal i.e. respondent Nos.1 and 2 shall sanction and release leave encashment to the petitioner, as he already attained the age of superannuation in the year 2013. The writ petition is accordingly disposed of."

6. Whereas Sri K.Kondal Rao has filed contempt case No. 2327 of 2018 for disobeying the orders dated 15.02.2018 passed in W.P.No. 24074 of 2017.

7. And whereas in the reference 14th read above, Government have issued orders releasing the pension and pensionery benefits of Sri K.Kondal Rao, Deputy Commissioner of P&E Dept., (Retired) subject to outcome of the disciplinary case pending against him.

8. Whereas, Sri K.Kondal Rao, Deputy Commissioner of P&E Dept., (Retired) has fed W.P.No.18543 of 2023 for interest @9% p.a., on the delayed payments of retirement benefits.

9. And whereas in the reference 15th read above the Hon'ble High Court in its orders dated: 25.07.2023 in W.P.No.18543 of 2023 has ordered the following:

> "In view of the same this writ petition is also allowed in the same identical lines as indicated in the order dated:15.02.2023 issued in writ petition No.1558 of 2023. The said Writ Petition was allowed on 15.02.2023 with the following directions:

In view of the same, for the reasons alike in the aforesaid judgment, this writ petition is allowed directing the respondents to pay the retirement monetary benefits to be payable and along with interest @ 9% p.a. on the delayed retirement benefits i.e., Full Pension, Gratuity, Encashment of Earned Leave, and Commutation of Pension, from the date of retirement to till the date of actual payments made to the petitioner, in terms of the judgment dated 12.07.2022 passed by the Division Bench of this Court in Writ Appeal No.383 of 2022. There shall be no order as to costs.

Registry is directed to attach a copy of the judgment dated 12.07.2022 passed by the Division Bench of this Court in Writ Appeal No.383 of 2022 to this Order."

10. In the reference 16th read above, Sri K.Kondal Rao, Retired P&E Dy Commr, Visakhapatnam has requested to implemented the orders of Hon'ble High Court in W.P.No.18543 of 2023 dated:25.07.2023 and pay the interest 9% on the delayed payments of retirement benefits from the date of retirement to till date of actual payments to him.

11. Whereas in the reference 17th read above, the Commissioner of Prohibition & Excise, has requested the Government to take further necessary action on the above Court orders, for sanction of interest @ 9% on the delayed payments of pensionery benefits to avoid any further legal complication in the matter.

12. Government after careful examination of the matter, and keeping in view of the Orders of Hon'ble High Court in W.P.No.18543 of 2023 fled by Sri K.Kondal Rao, Retired P&E Dy Commr, have decided to implement the orders dated 25.07.2023 of Hon'ble High Court and to pay the interest @ 9% p.a. on the delayed pensionary benefits to Sri K.Kondal Rao, Retired P&E Dy Commr.

13. Accordingly, Government hereby order to pay the interest @ 9% p.a. on the delayed pensionary benefits i.e., Full Pension, Gratuity, Encashment of Earned Leave, and Commutation of Pension, from the date of retirement to till the date of actual payments made to Sri K.Kondal Rao, P&E Dy Commr, (Retired).

14. The Commissioner of Prohibition and Excise shall take further necessary action in the matter, accordingly.

15. This order issues with concurrence of Finance (HR.III-Pension, GPF) Department vide their UO.No.FIN 01-HROMISC/16/2024-HRIII, dated: 16.02.2024.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K.Kondala Rao, Retired P&E Dy Commr. Visakhapatnam, through the Commissioner of Prohibition and Excise Department, AP, Vijayawada.

(PTO)

The Commissioner of Prohibition and Excise Department, AP, Vijayawada.

Copy to:

The Finance (HR.III-Pension, GPF) Department, A.P.Secretariat, Velagapudi.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Treasuries and Accounts, AP, Mangalagiri.
The Dy.Commr of P&E Dept., Visakhapatnam District.
Sc/Sf

// FORWARDED::BY ORDER//

SECTION OFFICER